

Karen L. Bashor
Nevada Bar No. 11913
I-Che Lai
Nevada Bar No. 12247
WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
Telephone: (702) 727-1400
Facsimile: (702) 727-1401
karen.bashor@wilsonelser.com
i-che.lai@wilsonelser.com

Attorneys for Defendant Three Deserts of Nevada, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEBORAH REYNOLDS., an individual,

Plaintiff,

vs.

THREE DESERTS OF NEVADA, LLC, a
Nevada limited liability company; and DOES I
through V; and ROE CORPORATIONS I
through V,

Defendants.

Case No. 2:22-cv-01034

**DEFENDANT THREE DESERTS OF
NEVADA, LLC'S PETITION FOR
REMOVAL**

Three Deserts of Nevada, LLC ("Three Deserts"), the defendant, petitions to remove this case to the United States District Court for the District of Nevada from the Fifth Judicial District Court of Nevada. Diversity jurisdiction justifies the removal. *See* 28 U.S.C. §§ 1332, 1441(b).

First, there is a complete diversity of citizenship between plaintiff and defendants. In considering whether complete diversity exists, courts disregard the citizenship of the fictitious defendants referenced in the complaint. 28 U.S.C. § 1441(b). Based on the citizenship of plaintiff and Three Deserts, as the only named defendant, plaintiff does not share citizenship with Three Deserts. Plaintiff alleges that she is an Arizona resident. Three Deserts, a limited liability company, has three members: Gary Moore, Brad Hall, and David Williams. Mr. Moore and Mr. Williams are

1 Utah residents, and Mr. Hall is an Idaho resident. This establishes that plaintiff and members of
2 Three Deserts are all citizens of different states.

3 There is also sufficient amount in controversy. The complaint alleges that Three Deserts'
4 negligence caused plaintiff's damages, which included past medical expenses. Plaintiff has provided
5 Three Deserts with medical records, showing \$122,120.37 in medical expenses. This far exceeds the
6 \$75,000 threshold for amount in controversy.

7 Removal occurred within 30 days of learning of the complete diversity of citizenship and the
8 sufficient amount in controversy. *See* 28 U.S.C. § 1446(b). Attached to this petition is a copy of all
9 process, pleadings, and orders Three Deserts has received in this case. *Id.* § 1446(a). Three Deserts
10 will file a copy of a notice of removal with the clerk of the Fifth Judicial District Court of Nevada
11 and serve a copy of the notice on plaintiff. *Id.* § 1446(d).

12 Dated: June 30, 2022

13 **WILSON, ELSER, MOSKOWITZ,**
14 **EDELMAN & DICKER LLP**

15 By: /s/Karen L. Bashor
16 Karen L. Bashor
17 Nevada Bar No. 11913
18 I-Che Lai
19 Nevada Bar No. 12247
20 6689 Las Vegas Blvd. South
21 Las Vegas, NV 89119
22 *Attorneys for Defendant Three Deserts of Nevada, LLC*
23
24

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on this 30th day of June, 2022, I served a true and correct copy of the foregoing document as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- ☐ by transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m.

By: /s/Annemarie Gourley
An Employee of WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER LLP